



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

West Central Regional Office
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David K. Paylor
Director

Steven A. Dietrich
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION SPECIAL ORDER BY CONSENT ISSUED TO BASSETT MIRROR COMPANY, INCORPORATED

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §62.1-44.15(8a) and (8d) by the State Water Control Board to Bassett Mirror Company, Incorporated for the purpose of resolving certain violations of State Water Control Law and the Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 62.1-44.7 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
7. "Regulation" means the Virginia Pollution Discharge Elimination System Permit

Regulation, 9 VAC 25-31-10 *et seq.*

8. "Bassett" means Bassett Mirror Company, Incorporated, a Virginia Corporation.

SECTION C: Findings of Fact and Conclusions of Law

1. Bassett operates a sewage treatment plant ("Plant") rated at 0.0035 MGD under VPDES Permit No. VA0086665.
2. On June 10, 2005, the Department issued a Notice of Violation ("NOV") to Bassett for failure to monitor for BOD₅ and TSS in April 2005 and for the following effluent limit violations: pH (March 2005); BOD₅ (March 2005); Cl₂ total contact (April 2005); TSS (February and March 2005).
3. Department staff met with Bassett representatives on June 30, 2005. At that meeting and in a letter dated July 7, 2005, Bassett explained that it had hired a new consultant to assist with operation of the Plant and that the errors that had caused violations through April 2005 had been corrected.
4. On August 19, 2005, DEQ issued a NOV to Bassett for failure to submit a Storm Water Management Annual Report. On November 8, 2005, DEQ issued a NOV to Bassett for violations of effluent limits for BOD₅, Inst. Cl₂ Tech., and TSS during September 2005.
5. In a letter dated November 18, 2005, Bassett explained that the effluent limit violations in September 2005 were due to an upset caused by janitorial cleaning agents that were poured into the wastewater system during a period of low flow. Bassett has changed its operating procedure for disposal of cleaning agents in order to prevent recurrence of this incident.
6. The violations through September 2005 were informally resolved.
7. On April 11, 2006, DEQ issued a NOV to Bassett for the following effluent limit violations: BOD₅ (February 2006); Inst. Cl₂ Tech. (January 2006), and TSS (February 2006). Bassett also violated the Inst. Cl₂ Tech. effluent limit in March 2006.
8. In letters dated February 1 and 9, 2006, Bassett's consulting firm, ProChem, explained that the chlorine violations were caused by excessive hydraulic loading of the plant caused by a malfunctioning water valve in a toilet in the plant. In a letter dated March 10, 2006, ProChem stated that the TSS and BOD₅ violations in February 2006 were caused by damage to an aeration basin weir plate that was in turn caused by the excessive hydraulic loading in February. In a letter dated April 7, 2006, ProChem explained that the March chlorine violation was caused by rapid refilling of the system after maintenance. These deficiencies have been corrected.

9. Bassett upgraded the aeration tank air diffuser system as of June 15, 2006 and scheduled the following upgrades: replacement of blower motor controls on the aeration basin; add a DO monitor and blower motor speed control to maintain a constant DO level in the aeration basin; replace the electrical panel board; add new level switches and HOA controls to the sump pumps. These upgrades were completed on September 7, 2006.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it pursuant to Va. Code §62.1-44.15(8a) and (8d), and upon consideration of Va. Code § 10.1-1186.2, the Board orders Bassett, and Bassett agrees, to perform the actions described below and in Appendix A of this Order. In addition, the Board orders Bassett, and Bassett voluntarily agrees, to pay a civil charge of \$6,000.00 in settlement of the violations cited in this Order.

1. Bassett shall pay \$1,500.00 of the civil charge within 30 days of the effective date of this Order. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, VA 23218

The payment shall include Bassett's Federal Identification Number and shall state that it is being tendered in payment of the civil charges assessed under this Order.

2. Bassett shall satisfy \$4,500.00 of the civil charge upon completing the Supplemental Environmental Project ("SEP") described in Appendix A of this Order.
3. The net cost of the SEP to Bassett shall not be less than the amount set forth in Paragraph D.2. If it is, Bassett shall pay the remaining amount in accordance with Paragraph D.1 of this Order, unless otherwise agreed to by the Department. "Net costs" means the costs of the project minus any tax savings, grants and first-year operation cost reductions or other efficiencies.
4. By signing this Order, Bassett certifies that it has not commenced performance of the SEP before DEQ identified the violations in this Order and approved the SEP.
5. In the event that it publicizes the SEP or the SEP results, Bassett shall state in a prominent manner that the project is a part of a settlement for an enforcement action.
6. The Department has sole discretion to:

- a. Authorize any alternate SEP proposed by Bassett; and
 - b. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.
7. Should the Department determine that Bassett has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify Bassett in writing. Within 30 days of being notified, Bassett shall pay the amount specified in Paragraph D.2 as provided in Paragraph D.1 above.
 8. Bassett acknowledges that it is solely responsible for completion of the SEP. Any transfer of funds, tasks, or otherwise by Bassett to a third party shall not relieve Bassett of its responsibility to complete the SEP as contained in this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Bassett, for good cause shown by Bassett or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (a) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (b) seeking subsequent remediation of the facility as may be authorized by law; or (c) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Bassett admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Bassett consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Bassett declares that it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.* and waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or judicial review of, any action taken by the Board or the Director to enforce this Order.
6. Failure by Bassett to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a

result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Bassett shall be responsible for failure to comply with its obligations under this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Bassett shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Bassett shall notify the WCRO Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth: (a) the reasons for the delay or noncompliance; (b) the projected duration of any such delay or noncompliance; (c) the measures taken and to be taken to prevent or minimize such delay or noncompliance; and (d) the timetable by which such measures will be implemented and the date full compliance will be achieved. Failure to so notify the WCRO Regional Director within twenty-four hours of learning of any condition above, which Bassett intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. Any plans, reports, schedules or specifications attached hereto or submitted by Bassett and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
11. This Order shall become effective upon execution by both the Director or his designee and Bassett. Notwithstanding the foregoing, Bassett agrees to be bound by any compliance dates that precede the effective date of this Order.
12. This Order shall continue in effect until either: a) Bassett petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of this Order, or b) the Director or Board terminates the Order in his or its sole discretion upon 30 days notice to Bassett. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Bassett from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
13. By the signature of an authorized official below, Bassett voluntarily agrees to the issuance of this Order.

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14. The undersigned representative of Bassett certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Bassett to this Order. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Bassett.

And it is so ORDERED this 28th day of SEPTEMBER, 2007.

Steven A. Dietrich
Steven A. Dietrich, Regional Director
West Central Regional Office
Department of Environmental Quality

Bassett voluntarily agrees to the issuance of this Order.

By: [Signature]
Date: 3/4/07

Commonwealth of Virginia

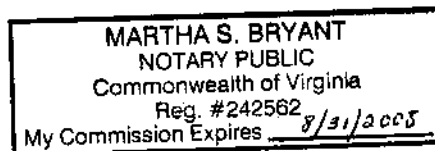
City/County of HENRY

The foregoing instrument was acknowledged before me this 10th day of AUGUST, 2007,

by JERRY E. DODSON, who is PRESIDENT and COO of
Bassett Mirror Company, Incorporated, on behalf of said Company.

Martha S. Bryant
Notary Public

My commission expires: AUGUST 31, 2008



APPENDIX A
SUPPLEMENTAL ENVIRONMENTAL PROJECT

1. The SEP to be performed by Bassett is replacement of its current chlorine-based effluent disinfection system with a new system using ultraviolet light for disinfection. Bassett shall obtain any permit modifications required to make this change.
2. To complete the SEP, Bassett shall perform the following actions:
 - a. Not later than 30 days after the effective date of this Order, Bassett shall submit for review and approval a Preliminary Engineering Report ("PER") for the SEP.
 - b. Not later than 90 days after the effective date of this Order, Bassett shall submit for review and approval final Plans and Specifications ("P&S") for the SEP. The P&S shall contain a construction schedule. Bassett shall comply with the construction schedule in the approved SEP.
 - c. Bassett shall respond to any written comments from DEQ regarding documents submitted under Paragraphs 2.a or 2.b above within 20 days of receipt of such comments.
 - d. Prior to beginning operation, Bassett shall notify DEQ in writing of the date it plans to begin operating the new ultraviolet disinfection system.
3. Bassett shall provide the Department with written verification of completion of the SEP by submitting a written report to DEQ within 10 days of completion of the SEP.
4. Bassett shall submit written verification of SEP costs to the Department in the form of invoices or other proof of payment of the final overall and net cost of the SEP within 30 days of completion of the SEP. For the purposes of this submittal, net costs can be either the actual final net costs or the projected net costs if such projected net costs statement is accompanied by a CPA certification or certification from Bassett's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
5. Documents to be submitted to the Department regarding the SEP shall be sent to: Robert Steele, Va. Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019.